

Remarks

Status of the Claims

Claims 1-16 and 19 are pending. Claims 1, 2, 10, 12-15, and 19 are currently amended. Claims 17 and 18 are canceled. Reconsideration and allowance of all of the pending claims are respectfully requested.

This amendment does not add new matter to the application as filed. The amendments to claims 1, 2, and 12 delete non-elected subject matter from the claims. Claim 1 has also been amended to cancel from G¹ the option of an alkyl which is substituted with halogen or alkoxy. The amendment to claim 19 deletes the term "prophylaxis" and the recitation of certain diseases. The remaining amendments correct typographical errors. Accordingly, no new matter is added and entry of this amendment is respectfully requested.

Claim Rejections – 35 U.S.C. §112

Claims 17-19 are rejected under 35 U.S.C. §112, first paragraph, for non-compliance with the enablement requirement. Applicants respectfully traverse this rejection for the following reasons.

Claims 17-18 are canceled by this amendment, thus rendering the rejection moot with respect to these claims. Applicants respectfully submit that claim 19 is fully supported by the specification as filed. Applicants here submit **Exhibits 1-38** which demonstrate that the diseases recited in claim are fully enabled.

The MPEP states in relevant part:

The Federal Circuit has repeatedly held that 'the specification must teach those skilled in the art how to make and use the full scope of the claimed invention without 'undue experimentation'.' Nevertheless, not everything necessary to practice the invention need be disclosed. In fact, what is well-known is best omitted. All that is necessary is that one skilled in the art be able to practice the claimed invention, given the level of knowledge and skill in the art. Further the scope of enablement must only bear a "reasonable correlation" to the scope of the claims.

Furthermore:

T]o provide effective incentives, claims must adequately protect inventors. To demand that the first to disclose shall limit his claims to what he has found will work or to materials which meet the guidelines specified for "preferred" materials in a process such as the one herein involved would not serve the constitutional purpose of promoting progress in the useful arts.

When analyzing the enabled scope of a claim, the teachings of the specification must not be ignored because claims are to be given their broadest reasonable interpretation that is consistent with the specification.

MPEP §2164.08.

In the present case, applicants respectfully submit that the references in Exhibits 1-38 demonstrate that claim 19 is enabled. **Exhibit 1** (*Int. J. Immunopharmacol.*, 17, p. 141, (1995) and *Current Opinion in Investigational Drugs* 2(8) p. 1070 (2001)), demonstrates that Rheumatoid Arthritis is enabled. **Exhibit 2** (*Biorheology.*, 39(1-2) pp. 237-246 (2002)), demonstrates that Osteoarthritis is enabled. **Exhibit 3** (*J. Clin. Invest.*, 87, p. 1375 (1991)), demonstrates that Gouty Arthritis is enabled. **Exhibit 4** (*Arthirtis Res.*, p. 4(5):R7. Epub (2002 Jun 28.)), demonstrates that Synovitis is enabled. **Exhibit 5** (*Wlen Klin Wocheschr.*, 113(23-24), pp. 930-933 (2001 Dec. 17)), demonstrates that Ulcerative colitis is enabled. **Exhibit 6** (*Am. J. Gastroenterol.*, 97(8): (2000-2004)), demonstrates that Crohn's Disease is enabled. **Exhibit 7**

(*Lancet.*, 357(9271):1842-1847 demonstrates that Psoriasis is enabled. **Exhibit 8** (*Int. Arch. Allergy Immunol.*, 123(4): pp. 341-348 (2000 Dec.)), demonstrates that Atopic Dermatitis is enabled. **Exhibit 9** (*Int. Arch. Allergy Immunol.*, 123(4), p. 341-348 (2000 Dec.)), demonstrates that Contact Dermatitis is enabled. **Exhibit 10** (*Immunol. Cell Biol.*, 79(2), pp. 132-140 (2001)), demonstrates that Asthma is enabled. **Exhibit 11** (*Chest.*, p. 1557 (2000)), demonstrates that Bronchitis is enabled. **Exhibit 12** (*Infect. Immun.*, 38(8), p. 4752 (2000)), demonstrates that Pneumonia is enabled. **Exhibit 13** (*Cytokine.*, 13, p. 162 (2001)), demonstrates that Pleurisy is enabled. **Exhibit 14** (*J. Allergy Clin. Immunol.*, 108, p. 87, (2001)), demonstrates that Rhinitis is enabled. **Exhibit 15** (*Invest. Ophthalmol. Vls. Sci.*, 41, pp. 4175-4181 (2000)), demonstrates that Conjunctivitis is enabled. **Exhibit 16** (*Immunol. Cell Biol.* 77(2), pp. 164-166, (1999 Apr.)), demonstrates that Keratitis is enabled. **Exhibit 17** (*Ophthalmic Res.*, 33(5), pp. 251-255, (2001 Sep-Oct)), demonstrates that Uveitis is enabled. **Exhibit 18** (*Nephrol. Dial. Transplant.*, 16, p. 518, (2001)), demonstrates that Nephritis is enabled. **Exhibit 19** (*J. Immunol.*, 165, p. 856 (2000)), demonstrates that Hepatitis is enabled. **Exhibit 20** (*Swiss Med. Wkly*, 132, p. 414, (2002)), demonstrates that Bechcet's Syndrome is enabled. **Exhibit 21** (*Lupus.*, 10(1), pp. 23-31, (2001)), demonstrates that Systemic Lupus Erythematosus is enabled. **Exhibit 22** (*Int. J. Clin. Pract.*, 54(3), pp. 190-193, (2000)), demonstrates that Septic Shock is enabled. **Exhibit 23** (*Strok.*, 32('), pp. 240-248, (2001)), demonstrates that Brain Hemorrhage is enabled. **Exhibit 24** (*Blood Purif.*, 19(3), pp. 314-321, (2001)), demonstrates that Ischemic Heart Disease is enabled. **Exhibit 25** *Circulation.*, 104, p. 1094, (2001)), demonstrates that Congestive Heart Failures is enabled. **Exhibits 26 and 27** (*Maturitas*, 26, p. 63 (1997) and (*Bone.*, 28, p. 474 (2001)), demonstrates that Osteoporosis is enabled. **Exhibit 28** (*Eur. J. Immunol.*, 24(9), pp.

2040-2048, (1994 Sept.)), demonstrates that Multiple Sclerosis is enabled. **Exhibit 29** (*Eur. J. Immunol.*, 27(1), pp. 255-261, (1997 Jan.)), demonstrates that Diabetes is enabled. **Exhibit 30** (*Cancer Research*, 59, p. 4516, (1999)), demonstrates that Malignant Tumor is enabled. **Exhibit 31** (*Cytokine.*, 7, p. 15, (1995)), demonstrates that Cachexia is enabled. **Exhibit 32** (*PNAS*, 99, p. 1616, (2002)), demonstrates that Alzheimer's Disease is enabled. **Exhibit 33** *PNAS.*, 98, p. 14669, (2001) and (*Eur. Respir. J.*, 16, p. 947, (2000)), demonstrates that Parkinson's Disease is enabled. **Exhibit 34** (*Mol. Med.*, 3(5), pp. 339-346, (1997 May)), demonstrates that AIDS is enabled. **Exhibit 35** (*febs Lett.*, 495, p. 142, (2001)), demonstrates that Arteriosclerosis is enabled. **Exhibit 36** (*Eur. J. Pharmacol.*, 314,(1-2), pp. 137-142, (1996 Oct.)), demonstrates that Disseminated Intravascular Coagulation is enabled. **Exhibit 37** (*J. Immunol.*, 168, p. 483, (2002)), demonstrates that Transplant Rejection is enabled. **Exhibit 38** (*J. Immunol.*, 167, p. 6821, (2001)), demonstrates that GVHD (Graft-versus-host diseases) is enabled.

Accordingly, applicants respectfully submit that claim 19 is fully enabled by the specification. Withdrawal of the rejection of claim 19 under 35 U.S.C. §112 is respectfully requested.

Allowable Subject Matter

The Examiner indicates in the Office Action that the elected subject matter of claims 1-16 is allowable. Claims 1-16 are currently amended to cancel the non-elected subject matter. Accordingly, applicants respectfully submit that all of the outstanding issues in this application

have been fully resolved, and that this application is in condition for allowance. An early reconsideration and Notice of Allowance are respectfully requested.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gerald M. Murphy Reg. No. 28,977 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: November 28, 2007

Respectfully submitted,

By 

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Attachments: Exhibits 1-38